

IN RE: PETITION FOR SPECIAL HEARING
SE/S Belair Road, 155' NE of the c/l
Chapel Road
(9621, 9627, 9629 Belair Road)
11th Election District
5th Councilmanic District

Joan L. Matejka, Owner;
Village Builders 98, L.P., Lessees

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-405-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owner of the subject property, Joan L. Matejka, and the Contract Purchasers, Village Builders 98, L.P., through their attorney, David K. Gildea, Esquire. The Petitioners seek approval of a waiver, pursuant to Sections 26-171 and 26-172 of the Baltimore County Code, from the general design standards set forth in Sections 203(c)(8) and 26-278 of the Baltimore County Code, to raze the existing buildings. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the public hearing on behalf of the Petition were Michael Gordon, a representative of Village Builders 98, L.P., Contract Purchasers/Developers of the subject property, David S. Thaler, Professional Engineer who prepared the site plan for this property, and David K. Gildea, Esquire, attorney for the Petitioners. Appearing as Protestants in the matter were Joe Glorioso and Ken Duncan, representatives of the Perry Hall Improvement Association.

Testimony and evidence offered revealed that the property which is the subject of this request consists of three adjacent lots containing a combined gross area of 5.60 acres, split zoned B.L. (2.33 acres), D.R. 3.5 (3.22 acres), and B.L.R. (0.05 acres). The lots are located along Belair Road (U.S. Route 1), near the intersection of Chapel Road and Baker Lane, and are improved with several structures. Specifically, the property known as 9621 Belair Road, is improved with a one-

ORDER RECEIVED FOR FILING

Date

By

story brick structure, known as the Embroidery Factory. The building is listed on the Maryland Historic Trust as Item No. BA907. On the property known as 9627 Belair Road, a two and one-half story block structure, known as the Tanner House, exists. This structure is also listed on the Maryland Historic Trust as Item No. BA26-26. The third property, identified as 9629 Belair Road, is unimproved at this time. The Petitioners propose to raze the existing structures and redevelop the site with a Walgreen Pharmacy and related parking area. Village Builders 98, LLP is that entity which develops real estate for Walgreen Pharmacy. Due to the existence of historic structures on the property, the instant Petition was filed to permit redevelopment of the site as proposed.

The character of the Embroidery Factory and Tanner House was the subject of proceedings before the Landmarks Preservation Commission (LPC) on August 13, 1998 and October 8, 1998. A copy of the minutes of those meetings was submitted at the hearing held before me on June 1, 1999. Although both structures are listed on the Maryland Historic Trust (MHT), the LPC declined to place the structures on the preliminary Landmarks List. In this regard, Mr. Thaler testified that the buildings are not truly historic in character. Inclusion on the MHT list does not require any substantive evaluation of the buildings and does not translate into a presumption that they are of historic value. Additionally, at their meeting on May 13, 1999, the LPC agreed not to oppose the issuance of a waiver from Section 26-278, which requires the preservation of any historic structure. The LPC did recommend, however, that demolition be conditioned upon the submittal of photographic documentation, prepared to National Register standards as approved by the County Historian.

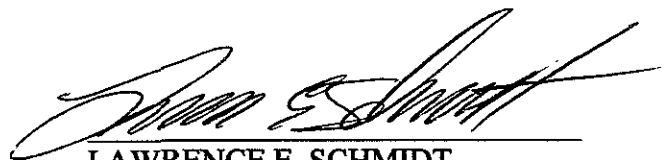
Based upon the testimony and evidence presented, I am persuaded to grant the requested special hearing relief. The undisputed testimony and evidence presented demonstrated that the buildings are of little historic value and need not be preserved. Additionally, it is to be noted that Messrs. Glorioso and Duncan appeared at this hearing, mainly due to their interest in another property which contains a historic structure known as the Dietz House. It was indicated at the hearing that this particular property will be the subject of proceedings in the future and will not be impacted by the decision rendered in this case.

ORDER RECEIVED FOR FILING
Date 7/19/99
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing held thereon, and for the reasons set forth above, the special hearing relief shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July, 1999 that the Petition for Special Hearing to approve a waiver, pursuant to Sections 26-171 and 26-172 of the Baltimore County Code, from the general design standards set forth in Sections 203(c)(8) and 26-278 of the Baltimore County Code, to raze the existing buildings, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The special hearing relief granted herein is contingent upon the Petitioners submittal of photographic documentation of the subject structures, prepared to National Register standards, as approved by the County Historian.
- 3) Development of the subject property shall be in accordance with the Development Regulations as codified in Title 26 of the Baltimore County Code.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/19/99
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

July 19, 1999

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SE/S Belair Road, 155' NE of the c/l Chapel Road
(9621, 9627, and 9629 Belair Road)
11th Election District – 5th Councilmanic District
Joan L. Matejka, Owner; Village Builders 98, L.P., Contr. Purchasers - Petitioners
Case No. 99-405-SPH

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter.
The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file
an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For
further information on filing an appeal, please contact the Zoning Administration and
Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Joan L. Matejka
1317 Terry Way, Fallston, Md. 21047
Mr. Michael Gordon, Village Builders 98, LLP
11921 Rockville Pike, Suite 300, Rockville, Md. 20852
Messrs. Joe Glorioso and Ken Duncan
Perry Hall Improvement Assoc., 11606 Belair Road, Kingsville, Md. 21087
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9621, 9627, 9629 Belair Road

which is presently zoned BL, BLR and DR-3.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

A waiver pursuant to Baltimore County Code Sections 26-171 and 26-172 of the general design standards of the Baltimore County Code Sections 203(c)(8) and 26.278 to raze the existing buildings on the subject property.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County;

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

Village Builders 98, L.P.

(Type or Print Name)

Signature

11921 Rockville Pike, Suite 300

Address

Rockville, mD 20852

City

State

Zipcode

Attorney for Petitioner

David K. Gildea

and Whiteford, Taylor & Preston

(Type or Print Name)

210 W. Pennsylvania Ave., 4th Floor

Signature

Towson, MD 21204

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Joan L. Matejka

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1317 Terry Way

Address

(410)877-7123

Phone No.

Balto., MD

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea

Name

210 W. Pennsylvania Ave.

Address

(410)832-2000

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

BR

DATE

4/15/99

ORDER RECEIVED FOR FILING

Date

By

Revised 9/5/95

99-405-SPH

#405

day
night

February 22, 1999

DESCRIPTION FOR ZONING PURPOSES ONLY

9621-9629 BELAIR ROAD

Beginning on the southeasterly side of Belair Road, variable width, at a point northeasterly 155 feet, more or less, from the center of Chapel Road, thence binding on said Belair Road.

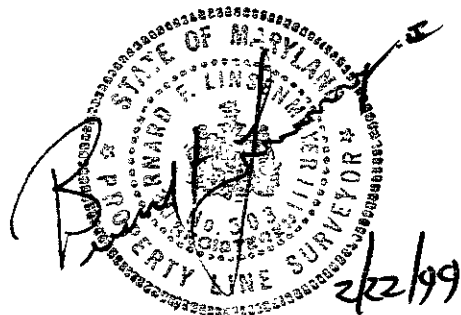
1. North $41^{\circ}54'57''$ East 363.00 feet, more or less, to a point, thence leaving said Road,
2. South $48^{\circ}52'06''$ East 538.88 feet, more or less, to a point; thence,
3. South $38^{\circ}53'19''$ West 501.65 feet, more or less, to a point; thence binding on the northern side of Chapel Road,
4. North $49^{\circ}19'59''$ West 325.69 feet, more or less, to a point; thence, leaving said Road,
5. North $41^{\circ}55'15''$ East 142.83 feet, more or less, to a point; thence,
6. North $49^{\circ}19'01''$ West 239.78 feet, more or less, to the point of beginning.

Containing 243,813 square feet or 5.60 acres of land, more or less.

Also, known as 9621, 9627 and 9629 Belair Road in the Eleventh

Election District of Baltimore County, Maryland.

9621-9629 Belair Road/BL/gf/D#1-99/



99-405-SPH #405

BALTIMORE COUNTY, MARYL.
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 066461

DATE 4/15/99 ACCOUNT R001-6150

AMOUNT \$ 650.00

RECEIVED FROM: Winstead Taylor Preston

FOR: Le car Special Housing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
Item # 405

99.405.SPA

CASHIER'S VALIDATION

PAID RECEIPT

15/1999 6/15/1999 11:22:43

NET AMOUNT CASHIER PAYS PER DEBITOR

Receipt # 062912

Receipt for 650.00
450.00 EX
BALTIMORE COUNTY, MARYLAND

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-405-SPH
9521 9527 9828 Belair Road
SE/S Belair Road between
Chapel and Glen Park Roads;
also NE/S Chapel Road
11th Election District
5th Councilmanic District
Legal Owner(s): Joan L.
Matelja
Contract Purchaser: Village
Builders 98, L.P.

Special Hearing: to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(c)(6) and Section 26-278 to raze the existing buildings.

Hearing: Tuesday, June 1, 1998 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bayley Avenue
LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4366.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
6/17/98 May 13 5311608

CERTIFICATE OF PUBLICATION

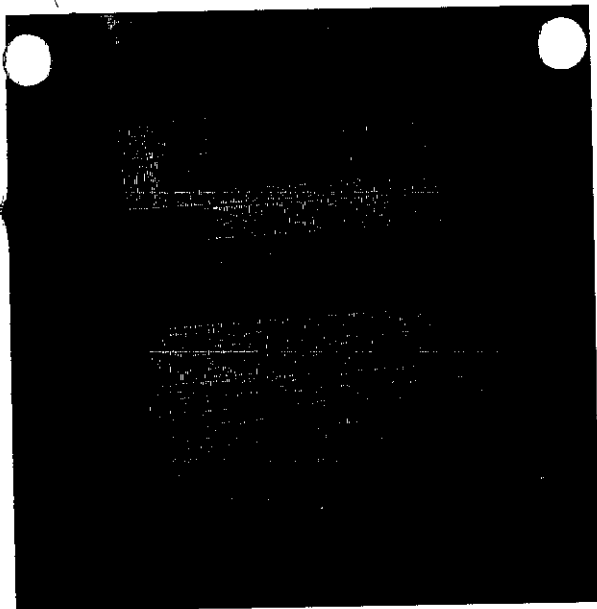
TOWSON, MD., 5/13, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/13, 1999.

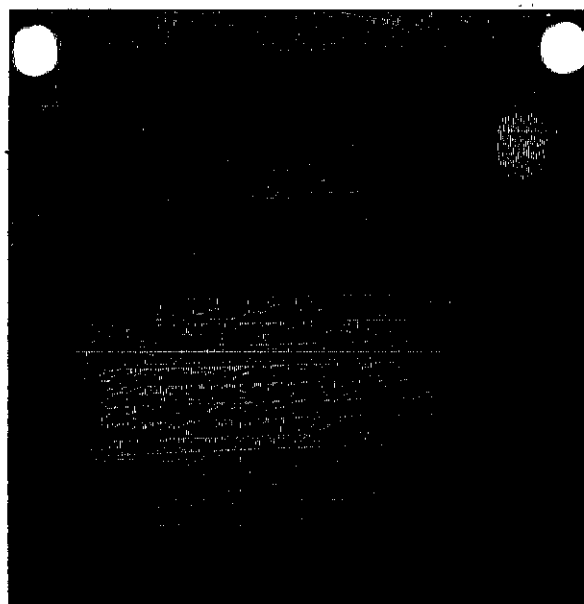
THE JEFFERSONIAN,

S. Wickens

LEGAL ADVERTISING



BELAIR ROAD



CHAPEL ROAD

CERTIFICATE OF POSTING

RE: CASE # 99-405-SPH
PETITIONER/DEVELOPER:
[Village Builders 98 L.P.]
DATE OF Hearing
[June 1, 1999]

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign[s] required by law were posted conspicuously on the property located at
9621, 9627, 9629 Belair Road Baltimore, Maryland 21128_____

The sign[s] were posted on _____ 5-14-99 _____
[Month, Day, Year]

Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
[Telephone Number]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-405-SPH

Petitioner: Village Builders 98, L.P.

Address or Location: 9621, 9627 and 9629 Belair Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: David K. Gidea, Esq. Whiteful, Taylor + Preston

Address: 210 W. Penn. Ave.
Towson, Md. 21204

Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

#405

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-405-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: Special Hearing to raze the existing buildings
on the property pursuant to Baltimore County Code Sections 26-278,
26-171, 26-172, and 203(c)(2).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 28, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-405-SPH
9621, 9627, 9629 Belair Road
SE/S Belair Road between Chapel and Glen Park Roads; also NE/S Chapel Road
11th Election District – 5th Councilmanic District
Legal Owner: Joan L. Matejka
Contract Purchaser: Village Builders 98, L.P.

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to raze the existing buildings.

HEARING: Tuesday, June 1, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a small mark below it.

Arnold Jablon
Director

c: David K. Gildea, Esquire
Joan L. Matejka
Village Builders 98, L.P.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 17, 1999.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
May 13, 1999 Issue – Jeffersonian

Please forward billing to:

David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 West Pennsylvania Avenue
Towson, MD 21204

410-832-2000

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-405-SPH

9621, 9627, 9629 Belair Road

SE/S Belair Road between Chapel and Glen Park Roads; also NE/S Chapel Road

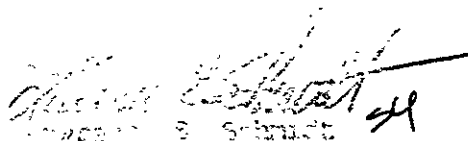
11th Election District – 5th Councilmanic District

Legal Owner: Joan L. Matejka

Contract Purchaser: Village Builders 98, L.P.

Special Hearing to approve a waiver pursuant to Sections 26-171, 26-172(b), BCC of Sections 26-203(C)(8) and Section 26-278 to raze the existing buildings.

HEARING: Tuesday, June 1, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 1, 1999

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue, 4th Floor
Towson, MD 21204

RE: Case No.: 99-405-SPH
Petitioner: Village Builders 98, LP
Location: 9621, 9627 & 9629 Belair Rd

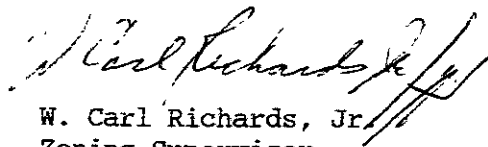
Dear Mr. Gildea:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on April 15, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

MAY 7, 1999

Arnold Iablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1305

RE: Property Owner: CFE BELOW

Location: DISTRIBUTION MEETING OF APRIL 13, 1999

Item No.: See Below

Zoning Agenda:

Re: Item:

For the purpose of your report, the referenced property has been surveyed by this Bureau and the contents below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comment at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

400, 404, (405) 407

REVIEWER: LT. S. SEPT. C. PAVERWALL

Fire Marshal's Office, PHONE 410-440-1111

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: April 30, 1999

TO: Arnold Jablon
FROM: R. Bruce Seeley *RAJ/JS*
SUBJECT: Zoning Item #405

Matejka Property - Belair Road

Zoning Advisory Committee Meeting of April 26, 1999

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
 - X GWM: All existing water wells and septic systems must be properly abandoned and sealed prior to subdivision approval or razing.

INTEROFFICE CORRESPONDENCE

Date: May 3, 1999

SUBJECT: Zoning Advisory Committee Meeting
for May 3, 1999
Item No. 405

RWB:HJO:jrb

ZAC05039.405

6/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: May 19, 1999

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 9621 and 9627 Belair Road

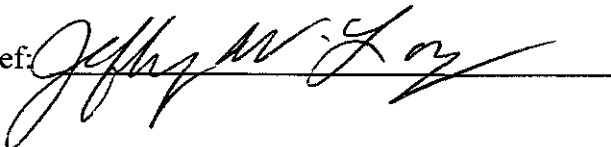
INFORMATION

Item Number: 405
Petitioner: Whiteford, Taylor & Preston
Zoning: BL, BLR, and DR 3.5
Requested Action: Special Hearing

RECOMMENDATIONS ON THE PROPOSAL -The properties located at 9621 and 9627 Belair Road are listed on the Maryland Historical Trust Inventory as the "Baltimore Embroidery Factory" (No. BA 907), and the "Tanner House" (No. BA 2626), respectively.

At their meeting on May 13, 1999, the Landmarks Preservation Commission agreed not to oppose the issuance of a waiver from Section 26-278, "must be preserved." The LPC recommended that the demolition be conditioned on the submittal of photographic documentation, prepared to National Register standards as approved by the County Historian.

Section Chief:



KA:kra

cc: Scott Barhight



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: April 26, 1999

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

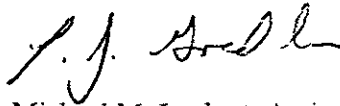
RE: Baltimore County
Item No. 405 (BR)

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval of the Special Hearing to raze the existing buildings. However, we will require the owner to obtain an access permit when the plan receives final development approval by Baltimore County.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


for Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
9621, 9627, 9629 Belair Road, E/S Belair Rd,
N/S Chapel Rd, 275' E of Belair Rd, 11th Election
District, 5th Councilmanic

Legal Owners: Joan L. Matejka
Contract Purchaser: Village Builders 98, L.P.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-405-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of April, 1999, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, Maryland 21128

<http://www.bcpl.net/~phia>

phia@mail.bcpl.net

June 1, 1999

Mr. Lawrence Schmidt
Baltimore County Zoning Commissioner
New Courts Building
Towson, MD 21204

Dear Mr. Schmidt:

I am writing to communicate the opinion of the Perry Hall Improvement Association (PHIA) regarding the Dietz House, Tanner House, and Baltimore Embroidery Company properties that you will consider as part of a demolition request today.

In October, the Perry Hall Improvement Association requested that the Baltimore County Landmarks Preservation Commission list the three properties as protected historic sites. The three buildings were previously listed on the Maryland Historical Trust inventory. We believed the properties met the criteria for inclusion on the county inventory:

We believed, then as now, that all three structures are associated with a personality, group, or event of historic importance—industrialization and agricultural diversification in Germantown, the village precursor to Perry Hall during the early Twentieth Century. We also believed that at least two of the structures—the Tanner and Dietz homesteads—are works of notable artistic merit reflecting architecture that no longer stands along the Belair Road corridor.

Unfortunately, the landmarks commission did not act on our request. Realizing that only approval by the landmarks commission guarantees historic protection, we have been in constant communication with attorneys for the new landowners about appropriately designing the development that will replace the structures. Our talks have been very cordial. However, the Perry Hall Improvement Association still believes that these three structures are worthy of historic protection.

We know that you will probably grant approval to demolish the buildings. We anticipate development of the Tanner and Dietz properties, and we have established a good working relationship with the developers. However, we ask you to consider the Duncan family's request to move the Dietz House to another lot. We believe that *moving the home* rather than *demolishing it* is a "win win" situation. We know that the Duncan family has contacted the attorney for the new landowners, and we hope that an arrangement can be made to save at least one of the structures.

Cordially:

David Marks

President, Perry Hall Improvement Association

MINUTES
Landmarks Preservation Commission
October 8, 1998

Present

Ms. Marlene Koeppel
Mr. Boulton Kelly
Dr. Rhoda Dorsey
Ms. Rosita Hill
Ms. Sandra Caslin
Mr. Tom Carski
Mr. Robert Scott
Mr. Tim Rodgers
Ms. Dorothy Foos
Mr. David Goldsmith

Not Present

Mr. Richard Fox
Mrs. Barbara Weeks
Ms. N. Lark Schulze
Mr. John Chalk

Planning Office staff present included Kimberly Abe, John McGrain, Tim Dugan, and Lenwood Johnson.

Citizens present included Dennis Eckerd, Arnold Seidl, John Hill, William Horrath, David Marks, Austin Ladic, James Wollon, Robert Vogelsaug, Leo Dalfe, Victoria Woodward, Norma Secoura, Laurie Hay, Kathleen Beadell, Rob Hoffman, Helen Tanner, Lettie Hack, Frederick Dietz, Sr., Elmer Hack, Sheree Smith, Jim Zailey, Richard Cook, Ronald Tanner, Brian Tanner, Cynthia Tanner, Thelma Butt, Mary Hofstetter, Alvira Beng, Mark Dancken, Kathryn Kuranda, Elizabeth Baldwin, John Tanner, John Matejka, Bill Matejka, Jean Matejka, Donna Walmski, Tom Perucci, Deborah Dobkin, and Mike Gornon.

The meeting was convened at 7:15 p.m.

Opening Statement

Mr. Scott stated for the record that the Commission operates under Title 26 of the County Code, the Secretary of the Interior's Standards, and its own Design Guidelines.

Announcements

1. **Review of Agenda**

No changes to the agenda were made.

2. **Minutes of September 10, 1998 / Minutes of July 17, 1998**

Ms. Caslin moved to approve the September 10, 1998, Minutes with a correction to list herself as not present. Mr. Kelly seconded the motion, which was unanimously approved. Mr. Goldsmith moved to approve the July 17, 1998, Minutes, with amendments to add to the last paragraph on the last page, that the vote was by roll-call and that Ms. Hill also voted in opposition, with Mr. Reynolds abstaining. Dr. Dorsey seconded the motion, which was unanimously approved.

3. Action on changes to County-owned structures

- a. 212 Aigburth Road ("Aigburth Vale", Final Landmarks List # 71) - Mr. Dugan prefaced the applicant's presentation with a discussion of how the Aigburth Vale Senior Center is subject to six different County approval processes, three of which are within the purview of the Landmarks Preservation Commission. Mr. Dugan directed the Commissioners attention to the "action summaries" outlining the pertinent sections of the county code.

Mr. Howard, legal representative for the contract-purchaser of the project, stated that the current concept plan is the same as that presented to the LPC on January 8, 1998, and that the property was still owned by the County. Mr. Howard outlined the proposal to restore the mansion, and to add a four-story addition at a lower grade that preserves the predominant view of the mansion as seen from Aigburth Road. Mr. Howard stated that the first floor of the mansion would be used for communal space and the upper stories for residences. Mr. Howard stated that the interior, as well as the garden designs, would employ circa 1870 fashions and materials. He also noted that application has been made to place the structure on the National Register of Historic Places. Ms. Caslin moved to approve the adaptive re-use project, to find that no historic preservation requirements are required as conditions of the Special Exception, and to find that the project preserves the structure in a manner fulfilling the intent of Sec. 26-278. Ms. Koeppel seconded the motion, which was unanimously approved.

4. Public hearing

- a. 9621 Belair Road, "Baltimore Embroidery Factory"
- b. 9627 Belair Road, "Tanner House"
- c. 9641 Belair Road, "Dietz Homestead and Nursery"

Ms. Dopkin first identified herself as the legal representative for the owners of the "Embroidery Factory" and the "Tanner House," and then described the BLR zoning and how the properties were located within the Honeygo Plan area.

Ms. Kuranda, architectural historian, testifying on behalf of the owners against the listing of the "Embroidery Factory," which she characterized as a modest one-story brick structure, circa 1915. Ms. Kuranda claimed that the structure was not a significant piece of the industrial history of the county. Ms. Kuranda described the circa 1915, "Tanner House" as a one and one-half story, hip-roofed, and pressed concrete-block duplex. Ms. Kuranda noted that the "Tanner House" was well maintained, retaining its integrity from the time built, but that it was not associated with a master builder or architect. Ms. Kuranda supplied the Commissioners with David Mark's research on the "Embroidery Factory" and the "Tanner House" as part of her testimony.

Mr. Scott noted for the record, via correspondence from Winnie Carpenter, that Lee Hager, Mary Laxton, and Shirley Wells, all from Perry Hall, supported the listing of all three structures.

Mr. Tanner remarked that all ten family members in attendance tonight were against listing their properties on the preliminary landmarks list.

Mr. Goldsmith stated that the "Tanner House" columns were unusual, and inquired as to whether the house was always a duplex. Ms. Dopkin noted that there might be other methods besides listing these properties to achieve preservation goals.

Mr. Perucci, contract-purchaser, stated that they did not intend to retain the structures. Mr. Carski asked whether these commercial sites supported the Honeygo Plan area. Ms. Dopkin responded that the zoning was assigned with the intention to service the Honeygo area.

Ms. Woodward, Mr. Wollon, Mr. Marks, and Mr. Bolehurst identified themselves as representatives of "Preservation Perry Hall," which was a group consisting of both businesses and residents in support of preserving these properties. Mr. Bolehurst, also a member of the Perry Hall Business Improvement Association, stated that this effort was not one group or person's crusade against development, but rather an effort to preserve the last three significant structures left from the village of "Germantown". Mr. Bolehurst noted that in 1984, when County officials designated Perry Hall as one of two growth areas, one condition was (as expressed in the 1989 Master Plan) that the new growth be balanced with existing land uses in order to maintain a sense of community identity. Although this was the County's pledge in policy, this community has sinceforth lost several significant historic structures, such as the "Bishop's Inn," which was unnecessarily demolished to develop a fast-food restaurant.

Mr. Bolehurst stated that other jurisdictions around the country are able to strike a balance between new growth and old by successfully re-using historic buildings with new commercial uses.

Mr. Bolehurst noted that in light of these losses of historic sites in the Perry Hall community, the community associations have been working together to proactively identify other viable historic sites such as the chapel at "Camp Chapel United Methodist Church". Mr. Bolehurst remarked that the Perry Hall area had been neglected in the County's preservation efforts, and directed the Commissioners attention towards a map illustrating the absence of final landmarks sites in Perry Hall.

Mr. Wollon testified on behalf of the architectural significance of all three sites by presenting slides showing remaining nearby structures he considered elements of the historic Germantown area.

Mr. Wollon explained how the three consecutively placed buildings and their architectural features such as the wrap-around porches and outbuildings, all worked together to create a scenic historic streetscape.

Ms. Woodward stated that the Honeygo Plan design guidelines recommend incorporation of new structures within the context of existing development. Mr. Wollon followed with the statement that all three sites meet criterion # 1 as well as criterion # 3 for preliminary landmarks listing. Criterion one is that..."it is associated with a personality, group, event, or series of events of historical importance," and criterion # 3 is that..."it is a good example of the work of a noted architect or master builder."

Mr. Hoffman, legal representative for the Dietz family, owners of the twenty-acre site at 9641 Belair Road, stated that the property has approximately 450 ft. of frontage along Belair Road, and has been zoned BL and BLR since the 1996 Comprehensive Zoning Map process. Mr. Hoffman commented that he was confused about the title of the group advocating the listing of the property, that the Dietz family never had a nursery business, that the house has aluminum siding, and that some of the outbuildings were constructed in the 1950's.

Ms. Kuranda, an architectural historian, representing the Dietz family, identified the Dietz homestead as a gabled "L"-shaped residence built between 1912-1915. Ms. Kuranda also told the Commissioners that they should not presume the buildings were significant just because they were on the Maryland Historical Trust Inventory of Historic Properties, since this list is a base line inventory.

Ms. Dopkin stated the structures could be relocated. Mr. Kelly stated that the LPC should consider continuing the hearing to explore other alternatives. Ms. Koeppel asked who could pay the relocation costs. Ms. Woodward stated that relocation doesn't preserve these structures in their historic context along historic Route # 1 (Belair Road).

Mr. Hoffman remarked that if the Dietz's property was placed on the list, it would be difficult to sell. Mr. Reynolds asked Mr. Dietz how he felt about demolition of his home-place, and Mr. Dietz said that he was okay with that prospect.

Mr. Goldsmith remarked that all the structures were in very good condition, and that they were the only remaining sites from the previous community. Mr. Goldsmith stated that it is essential to retain physical structures as records of the social history of the community. Mr. Goldsmith commented on the endless miles of unsightly generic commercial projects lining Belair Road, and stated that this one scenic stretch of "Germantown" was worthy of preserving. Mr. Goldsmith described his site visit and his conversation with a resident living in the "Tanner House" who had worked in the "Embroidery Factory."

Mr. Hubbard, a Perry Hall resident, expressed a desire to see the community and the developers work together on this project to preserve the three sites.

Mr. Goldsmith moved, via three separate motions, to place all three structures on the preliminary landmarks list based on criterion number one, that... "it is associated with a personality, group, event, or series of events of historical importance." No members of the Commission seconded any of these motions.

5. Action on changes to privately-owned structures

a. 11908 Jericho Road (Franklinville Historic District)

Mr. Curry, owner of 11908 Jericho Road, known as the "Franklinville Company Store" (circa 1828), MHT Inventory # BA 2545, described his proposal to replace the siding, windows and mudroom, and to add a rear wooden deck. Ms. Caslin moved to issue a notice to proceed. Ms. Hill seconded the motion, which was unanimously approved.

b. 4817 Butler Road (Glyndon Historic District)

Mr. Toth, contract-purchaser, described his proposal to add an exterior steel door and a handicap ramp on the rear of "Glyndon Bank" (ca. 1926), MHT Inventory # BA 2498. Mr. Toth referenced an approval letter from the Historic Glyndon Association. Ms. Caslin moved to issue a certificate of appropriateness for the project as proposed. Mr. Kelly seconded the motion, which was unanimously approved.

6. Recommendations on development proposals

a. 311 E. Pennsylvania Towson

Mr. Hoffman, legal representative, stated that the applicant was requesting advisory comments from the LPC regarding the proposed demolition of MHT # BA 2870, "Bellview", circa 1850-1853. Mr. Hoffman described his efforts to find documentation and earlier photographs of the

site, and stated that the applicant was willing to comply with staff's recommendation that the building be properly documented prior to demolition. Mr. Carski moved to recommend approval of the waiver from Section 26-278, conditioned upon photo documentation as required by the County Historian. Mr. Rodgers seconded the motion, which was unanimously approved.

- b. ~~11511 Harford Road, Glen Arm~~ [postponed]
- c. 200 Garrison Forest Road, Greenspring Valley

Mr. Waldron, representing Ilex Construction, described the applicant's proposal to construct a one-story addition to the "Theodore Kaplan House" (ca. 1911), MHT BA # 1630. Mr. Waldron noted that the addition would have twelve-inch pine siding. Ms. Caslin moved that the LPC recommend approval of the addition with the finding that the project complies with the intent of Section 26-278. Mr. Rodgers seconded the motion, which was unanimously approved.

7. Other Business

a. Reports by Officers and Committees

Mr. Goldsmith moved to schedule the draft LPC Rules of Procedure for a public hearing at the next meeting. Mr. Kelly seconded the motion, which was unanimously approved.

b. Reports and Correspondence

Mr. Klunk, project manager for the Bloomsbury project, provided an update on Phase II of the Bloomsbury project. Mr. Klunk noted that the plans had been reviewed by both MHT and the County Architectural Review Board, and that the review board recommended against the proposed round design of the field house since they did not consider it sensitive to the historic building. Mr. Carski moved to form a technical committee to conduct the LPC's on-going review of the Bloomsbury project. Mr. Kelly, Mr. Carski, and Ms. Caslin volunteered for the technical committee. Dr. Dorsey seconded the motion, which was unanimously approved.

Ms. Abe informed the commissioners that Mike Johnson, code enforcement officer, was steadily working on solutions to the Relay Historic District Code issues. Ms. Abe informed the LPC that a status report would be soon forthcoming.

Ms. Abe announced the up-coming "Walking Tour at Old Catonsville" on October 18th at 2:00 p.m.

Ms. Abe informed the LPC that Roy Herb was appealing the County's decision regarding the brick pier at 605 Upland Road in the Sudbrook Park Historic District.

Adjournment

The meeting adjourned at 9:30 p.m.

KA:rlh

MINUTES
Landmarks Preservation Commission
August 13, 1998

Present

Ms. Marlene Koeppel
Mr. Boulton Kelly
Dr. Rhoda Dorsey
Ms. Rosita Hill
Ms. Sandra Caslin
Mr. Tom Carski
Mr. Robert Scott
Mr. John Chalk
Mr. Tim Rodgers

Not Present

Mr. David Goldsmith
Mrs. Dorothy Foos
Mr. Richard Fox
Mrs. Barbara Weeks
Ms. N. Lark Schulze
Mr. Thomas Lloyd Reynolds

Planning Office staff present included Arnold F. "Pat" Keller III, Kimberly Abe, John McGrain, Tim Dugan, and Lenwood Johnson.

Citizens present included Kenneth Bosley, Elise Armacost, Randy Quinn, Charles Bray, Alvina Berg, Fred Dietz, Mary E. Hofstetter, Elmer Hack, Lettie Hack, Thelma Butt, Mark Danshen, Ruth Tanner, Elizabeth Baldwin, John Tanner, Joan Matejka, Bill Matejka, Charles Keenan, David Wasmund, Cheryl Wasmund, Berchie Manley, David Marks, Frank Gant, Jim Himmel, Nicholas Mangione, James Constable, Robert Hoffman, Kate Koranda, Doug Brinkley, Nelionora Solovyousky, Ed Hale, and Mark Danaeker.

The meeting was convened at 7:05 p.m.

Opening Statement

Mr. Scott stated for the record that the Commission operates under Title 26 of the County Code, the Secretary of the Interior's Standards, and its own Design Guidelines.

Announcements

1. Review of Agenda

No changes to the agenda were made.

2. Minutes of July 9, 1998

Dr. Dorsey moved to approve the July 9, 1998 Minutes. Mr. Rodgers seconded the motion, which was unanimously passed.

3. Permit Applications

- a. 18 Chatsworth Avenue (Glydon Historic District) – Mr. Randy Quinn described his proposal to lengthen the windows on the front façade of the house in a Victorian design to match his neighbor's house, and to close off two of the three front doors currently on the house. The LPC asked that he contact Historic Glyndon, Inc. for their approval. Mr. Chalk moved to issue a certificate of appropriateness conditioned upon approval from Historic Glydon, Inc. Mrs. Caslin seconded the motion which was unanimously approved.

- b. 5134 S. Rolling Road (Relay Historic District)- Mr. Charles Bray described his renovation project to include window replacements, German-board vinyl siding, and enlargement of the pool deck. Mr. Bray also explained that he was still working with the local historic group to decide on replacement materials for his front porch floor boards. Mrs. Caslin moved to issue a certificate of appropriateness for the project, minus the front porch proposal. Dr. Dorsey seconded the motion which was unanimously approved. The LPC asked that Mr. Bray return to the LPC at a later date regarding the front porch.
- c. 301 Western Run Road (Hayfields, Landmarks List # 21) – Mr. Frank Gant, the architect described two proposed alterations to the main house. The first request was to extend out the 1949 entryway six feet in order to resolve interior circulation problems. This proposal entails rebuilding the vestibule and removal of the original copper planter on the north side. The second request would be to enclose and extend the side porch on the east side with a “total vision system” porch to seat 40 people. Mr. Gant claimed that the porch addition would still retain the same façade as seen from the front. Mr. Chalk moved to approve the plan and to issue a certificate of appropriateness. Mrs. Koeppel seconded the motion, which was unanimously approved.
- d. 605 Upland Road (Sudbrook Park Historic District) – Mr. Scott referenced the letter dated August 12, 1998, from Sudbrook Park, Inc. which asked the LPC to request the removal of the illegally constructed brick pier since the property owner was not cooperating with the committee on altering the style of the pier to a design compatible with the historic district. Mrs. Caslin moved that the LPC request the Buildings Engineer to begin procedures to remove the pier. Dr. Dorsey seconded the motion, which was approved unanimously.
- e. 1519 Gerber Lane (Conclusion Farm Barn, Landmarks List # 135)

Mr. James Constable, legal representative for the Conclusion Farm owners, explained that he was in attendance to address general questions and issues regarding the barn renovation project. Mr. Constable stated that he had understood that the LPC had set up a small committee to review the barn proposal.

Mr. Bosley offered testimony related to the barn’s history. He claimed that the mule sheds were built as an emergency project during the Civil War to raise horses to be sold to both armies. He also noted that the Confederate Army occupied the farm during Harry Gilmore’s raid. Mr. Bosley also commented that there was still a case pending in the Court of Appeals regarding the ownership of this property, and that there had been construction activity on the site without the proper permits.

Mr. Chalk noticed that the visual materials indicated that the barn had a metal roof, yet the renovations plans proposed a cedar-shingle roof. Mr. Carski pointed out that the roof material had never been an issue. Mr. Bosley noted that the original barn roof was likely shingle, as were most barn roofs, but tin roofs that became available around the time of the Civil War often replaced the shingle roofs since the shingles would often blow off in the wind.

Mr. Carski moved to approve the barn restoration with the issuance of a certificate of appropriateness. Mrs. Caslin seconded the motion, which was unanimously approved.

f. 106 Bloomsbury Avenue (Catonsville High School, Landmarks List # 140)

George Klunk, the County's project manager, explained that the County signed a Memorandum of Agreement with the Maryland Historical Trust (MHT) regarding mitigation for the removal of the 1930's wings via a photo-documentation requirement. Mr. Klunk also explained the County's intention to present the 30%, 50%, and 90% design phases of the new project to the LPC. Mrs. Caslin clarified that the LPC's issue at this time was to vote whether to allow the demolition of the wings as proposed, in terms of how it may impact the landmarks listed portion of the structure.

Mr. Himmel, an urban planner and spokesperson for the Catonsville Community Conservation Association, recounted the history of the community's active involvement in protesting the elimination of the wings from the final landmarks list. Mr. Himmel considered the wings an integral part of the school building since the wings shared the same cornice and façade design. Mr. Himmel reminded the LPC that the LPC had listed the wings on the preliminary landmarks list. Mrs. Wasmund stated that she had difficulties in tracking the progress of this project because of uncooperative staff. Mrs. Schonfolder questioned the LPC as to how the ends of the building will be protected and treated upon removal of the wings.

Mr. Klunk stated that the County's MOA with MHT validated the demolition of the wings.

Mrs. Berchie Manley, remarked that retention of the full building was important to the stability of the community and noted that the County had \$ 80 million dollars in its surplus funds. Mr. Carksi moved to approve the demolition plans as presented. Mr. Chalk seconded the motion. Mrs. Koepfel voted in opposition, with Mr. Kelly and Ms. Hill abstaining. Section 26-538 of the County Code requires an affirmative vote of at least seven commissioners for all actions, so the motion thereby failed.

g. 4715 Butler Road (Glyndon Historic District)

Elise Armacost, the property owner, described her proposal in two parts. The first proposal is to replace the 80-year-old slate roof with architecturally compatible asphalt shingles. The applicant also proposes a 10 x 20 ft. addition on the footprint of the existing screen porch at the rear of the building. Dr. Dorsey moved to approve the proposal and issue a certificate of appropriateness, conditioned on approval from Historic Glyndon, Inc. Ms. Hill seconded the motion, which was unanimously approved.

h. 16621 Remare Road (Monkton Historic District)

Mr. McCausland, the owner, requested approval for a minor bathroom addition on a non-contributing 1957 structure in the Monkton historic district. Mr. Kelly moved to approve the addition as proposed and issue a certificate of appropriateness. Ms. Hill seconded the motion, which was unanimously approved.

4. No scheduled public hearing

5. Recommendations on development proposals

- a. Mr. Robert Hoffman, legal representative for Home Depot, provided background on the history of the illegal demolition of three MHT Inventory structures. He identified the structures as 118, 140, and 144 Church Lane (BA 1809, 1818, and 1820, respectively). Mr. Hoffman stated that the

Landmarks Preservation Commission
Minutes of August 13, 1998

structures were "inadvertently razed" by the subcontractor prior to their scheduled special hearing [# 33] on August 19, 1998. Mr. Hoffman stated that the fines for the illegal razings would be heard before Stanley Shapiro on September 8th at 9:00 a.m. He estimated that fines could be as high as \$20,000 because of the \$1,000 fine per structure and \$200 per day until resolution.

The LPC discussed the fine issue at length and expressed great concern that the fines are too low to act as a deterrent for these types of illegal actions in the County. For the record, the LPC recommended that the County institute higher fines for illegal destruction of historic structures. Mr. Hoffman remarked, that knowing the activity was improper, he had independently been in communication with Baltimore County Historic Trust (BCHT) to offer some type of donation of mitigation funds in compensation. Mr. Hoffman explained that he was before the LPC for advisory comments for the Special Hearing on August 19, 1998, regarding the issuance of a waiver for the demolition of these structures. After testimony on the historicity of the structures from Kate Koranda, whose report was submitted for the record, the commissioners unanimously agreed to be silent with respect to the waiver.

- b. Mr. Doug Brinkley, owner of 7906 Sherwood Avenue (# BA 2140), explained that this 1909 classical revival building, called the "The Watmough House", was built as a mission church of Trinity Church in Towson. He described his proposed addition on the rear portion of the house as well out of sight from the public roads, and buffered from his neighbor with landscaping. Mr. Brinkley informed the commissioners that he was before them for advisory comments prior to his special hearing [# 16]. The commissioners studied his drawings after his thorough explanation of the project. Mrs. Caslin moved that the commission recommend approval of the plan. Mrs. Koeppel seconded the motion, which was unanimously approved.
- c. Mrs. Nelionora Solovyousky, owner of 10512 Reisterstown Road, explained her renovation project for the "J & D Discount Liquor Store" (# BA 658). The applicant explained that they were going to be upgrading the exterior materials from aluminum siding to brick and that they would be saving the Italianate cornices. Mrs. Solovyousky also explained that she was asked to obtain comments from the LPC for her special hearing [# 67]. Mr. Chalk moved to recommend approval of the project. Dr. Dorsey seconded the motion, which was unanimously approved.
- d. Mr. Ed Hale, representing Daft-McCune-Walker, the owner of 423 Jefferson Avenue, explained that his special hearing was for a use permit for parking in a residential zone adjacent to a two-story log and frame building known as the "Parker House" (# BA 1042). Mr. Hale stated that they had no demolition plans and that they had been working with neighborhood groups to potentially relocate the structure. He remarked that if re-location does not materialize, he will look into renovating the Parker House. Mr. Carski moved to recommend approval of the use permit. Mrs. Caslin seconded the motion, which was unanimously approved.

(Due to time constraints, Item 5.e. will be continued until the next meeting, and since 5.f. was informational only, it was dropped from the agenda.)

6. Other Business

Perry Hall Sites- David Marks, historian for the Perry Hall Improvement Association requested the LPC schedule a public hearing for the three properties identified in the material submitted in their package, as follows: the "Tanner House" (# BA 2626) located at 9627 Belair Road, the "Baltimore Embroidery Factory" (# BA 907) located at 9621 Belair Road, and the "Dietz House and Nursery" (#BA 2308) located at 9641 Belair Road. Mr. Marks suggested that enough evidence has been presented to warrant a public hearing.

Mr. Danaeker, representative of the Dietz family, stated that the contract purchaser for the property was evaluating any possible constraints, and requested that the LPC not schedule a public hearing. Mr. Charlie Keenan, representative for the owners of the other two sites, stated that the Embroidery Factory building had outdated equipment and was no longer a viable business and that listing these structures would be an undue burden on the property owners.

Mr. Marks provided brief comments on the historicity of the structures and the credentials of past and current historians who have recorded these sites. Mr. Marks remarked that along this old road (Rt. 1) there was very little left of the original historic fabric, specifically along what had been the original town of "Germantown" which was from approximately the Perry Hall Library site to the Kingsville border. Mr. Marks provided commentary on several significant structures already lost such as the Bishop Inn.

Mr. Scott moved to hold a public hearing to place the structures on the preliminary landmarks list. Mrs. Caslin seconded the motion, which was unanimously approved, with Mr. Chalk abstaining.

Bloomsbury School - Mr. Keller, Director of the Office of Planning, testified on behalf of the adaptive re-use project, urging the LPC to see the benefits of the project as a recreation and community center for years to come. He noted that the majority of the LPC had supported the motion and thereby asked the LPC to reconsider the vote. Mr. Keller explained that reconsideration of the motion would need to come from the party voting in opposition. Mr. Keller stated that the Council did not pre-empt the LPC, that the Council unanimously approved the funding for the recreation center, that the State approved the demolition, and that on balance this was a good project. Mr. Scott concluded a debate amongst the LPC on these issues remarking that this would have to be continued until the next meeting.

Ms. Abe informed the LPC she would be contacting them for site visits to 308 Main Street in historic Reisterstown, and in the Relay Historic District. Ms. Abe also pointed out the need for LPC members to respond on the available times for a late September or early October orientation meeting.

Adjournment

The meeting adjourned at 11:00 p.m.

KA:rlh

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Michael Gordon

11921 Rockville Pike, Rockville MD

D.S. THALER

7115 AMBASSADOR RD
BALT MD 21244

David K. John

210 U. Penn. Ave

Towson, Md 21204



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

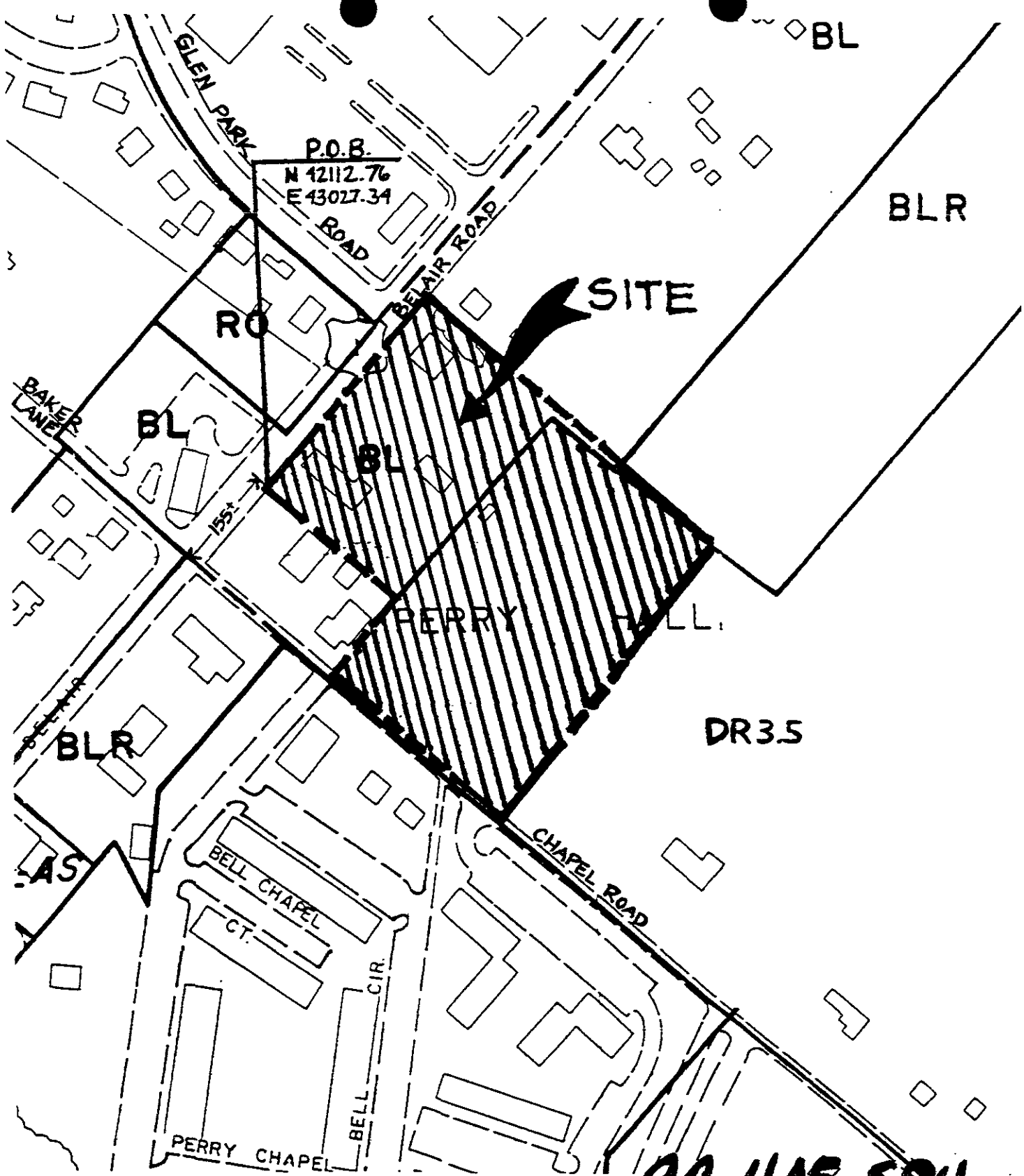
NAME

JOE GLORIOSO
Ken Duncan

ADDRESS

Perry Hall Improvement Assoc
11606 Belair Rd. Kingsville, MD 21087





99-405-SPH

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP	SCALE 1" = 200' ±	LOCATION PERRY HALL #405	SHEET NE. 11-H
	DATE OF PHOTOGRAPHY JANUARY 1986		

I told Carl that I was accepting
petition old form because it has
taken them since 2/23/99 to
get owner's signature. Gildea got
copies of new forms to use in future.

BR 4/15/99

NOTES:

1. ZONINGS: BL = 2.55 AC.
DR 9.5 = 9.22 AC.
BLR = 0.05 AC.
2. PROPERTY REFERENCES:

PARCEL	TAX ACCOUNT NO.	DEED REF.	TAX MAP	GRID	ADG MAP
101	11-30-000278	11/26/18	12	9	24 B-4
102	11-30-000279	11/26/18	12	9	24 B-4
103	11-30-000280	11/26/18	12	9	24 B-4

3. MARYLAND HISTORIC TRUST INVENTORY NUMBERS:

9621 BELAIR ROAD = BA401
9627-24 BELAIR ROAD = BA2626

4. LANDMARK PRESERVATION COMMISSION ACTION:

HEARING HELD 10/8/16.

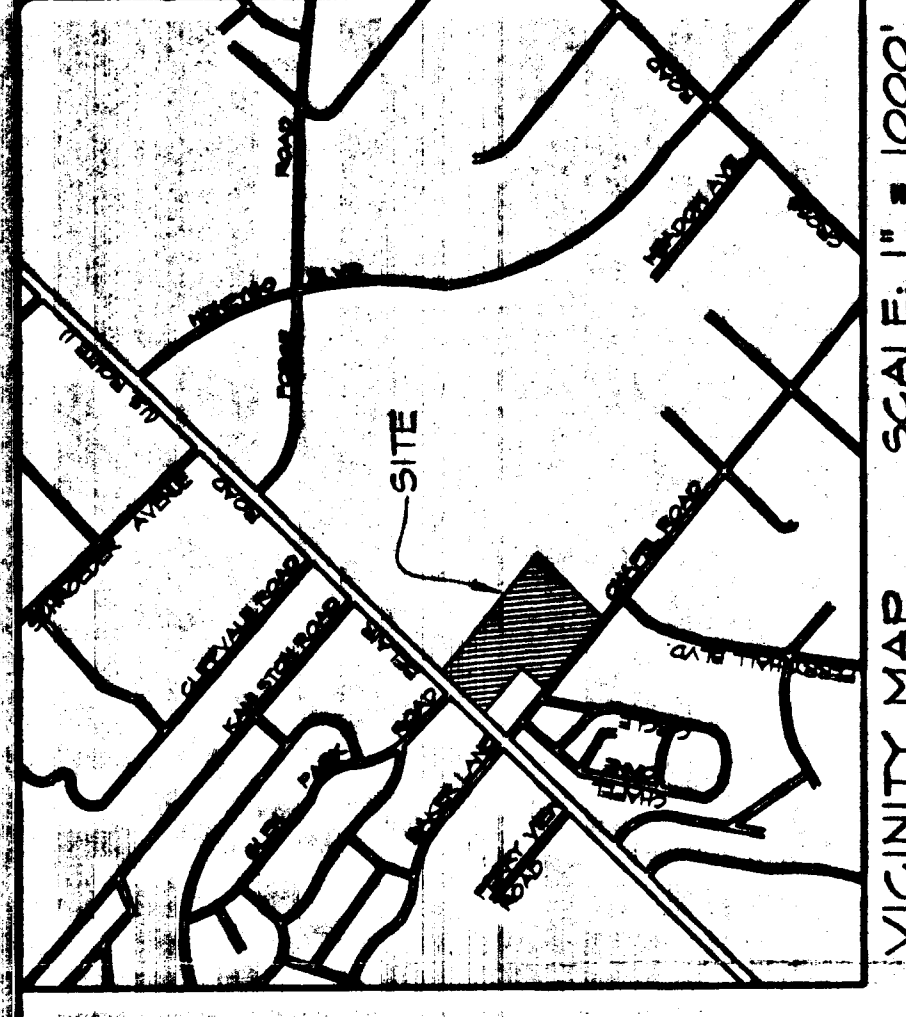
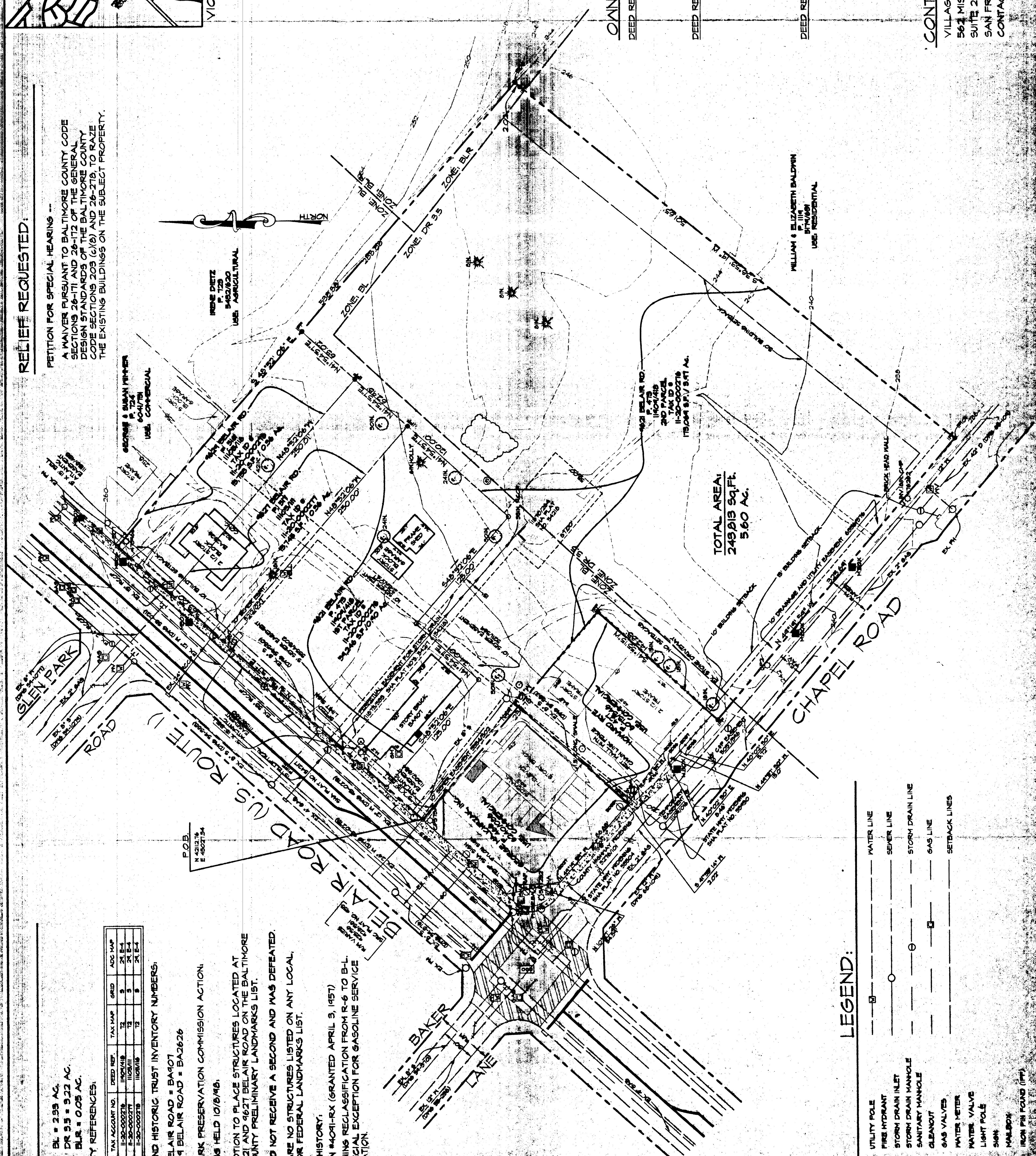
- MOTION TO PLACE STRUCTURES LOCATED AT 9621 AND 9627 BELAIR ROAD ON THE BALTIMORE COUNTY PRELIMINARY LANDMARKS LIST.
 - DID NOT RECEIVE A SECOND AND WAS DEFEATED.
5. THERE ARE NO STRUCTURES LISTED ON ANY LOCAL, STATE OR FEDERAL LANDMARKS LIST.

6. ZONING HISTORY:

PETITION #4091-RX (GRANTED APRIL 3, 1957)
1) ZONING RECLASSIFICATION FROM R-6 TO B-L.
2) SPECIAL EXCEPTION FOR GASOLINE SERVICE STATION.

RELIEF REQUESTED:

PETITION FOR SPECIAL HEARING --
A WAIVER PURSUANT TO BALTIMORE COUNTY CODE SECTIONS 26-171 AND 26-172 OF THE GENERAL DESIGN STANDARDS OF THE BALTIMORE COUNTY CODE SECTIONS 203 (G/O) AND 26-279, TO RAZE THE EXISTING BUILDINGS ON THE SUBJECT PROPERTY.



VICINITY MAP SCALE: 1" = 1000'

- OWNERS:**
- DEED REF. 11/09/16 (9621 BELAIR RD.):
JOHN B. TANNER
ELIZABETH T. BALDWIN
RUTH R. TANNER
JOAN L. MATEJKA
HELEN V. TANNER
- DEED REF. 11/09/16 (9627 BELAIR RD.):
JOHN B. TANNER
ELIZABETH T. BALDWIN
RUTH R. TANNER
JOAN L. MATEJKA
STEPHEN TANNER
RONALD TANNER
DONNA WALINSKI
EDWIN TANNER
BRIAN TANNER
ROBERT TANNER
- DEED REF. 11/09/16 (9629 BELAIR RD.):
JOHN B. TANNER
ELIZABETH T. BALDWIN
RUTH R. TANNER
JOAN L. MATEJKA
STEPHEN TANNER
RONALD TANNER
DONNA WALINSKI
EDWIN TANNER
BRIAN TANNER
ROBERT TANNER

CONTRACT PURCHASER:

VILLAGE BUILDERS 90, L.P.
564 MISSION STREET
SUITE 201
SAN FRANCISCO, CA 94105-2006
CONTACT: MR. MICHAEL S. GORDON, P.E.

LEGEND:

- UTILITY POLE
 - FIRE HYDRANT
 - STORM DRAIN INLET
 - STORM DRAIN MANHOLE
 - SANITARY MANHOLE
 - GAS VALVE
 - WATER METER
 - WATER VALVE
 - LIGHT POLE
 - SIGN
 - RAILROAD
 - IRON PIN FOUND (IPT)
- WATER LINE
 - SEWER LINE
 - STORM DRAIN LINE
 - GAS LINE
 - SETBACK LINES

JOB NUMBER: 0210
DRAWN BY: HKE
CHECKED BY: HKE
CREATED BY: HKE

DST

LAND PLANNERS
SURVEYORS

D. S. THALER & ASSOC., INC.

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

THIS ASSOCIATOR ROAD
BALTIMORE, MARYLAND 21244
(410) 944-8969 (410) 944-2647

11TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

**9621, 9627 AND
9629 BELAIR ROAD**

PETITION FOR SPECIAL HEARING
PLANNED ASSOCIATION

DATE: FEBRUARY 28, 1998
SHEET: 1 OF 1
FILE NAME: PLANNING

SCALE: 1" = 40'

REGISTERED PROFESSIONAL ENGINEER
STATE OF MARYLAND
No. 1114
EXPIRATION DATE: 12/31/2000

Robert Tanner
23 Feb 98

BA401 & BA2626

99-405-SP4